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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,860	10/11/2000	Flavio Borgna	194112US6PCT	5550
22850	7590	08/27/2003		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/600,860	BORGNA, FLAVIO
	<b>Examiner</b>	<b>Art Unit</b>
	James O. Hansen	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 04 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 29-43, 45, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-43, 45, 49 and 50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>31</u> .	6) <input type="checkbox"/> Other: _____

Art Unit: 3637

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim presents limitations which are already present [redundant] in base claim 32. ✓

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32-33, 35, 40-43 & 45/32 are rejected under 35 U.S.C. 102(b) as being anticipated by Santo [French publication 2,720,145]. Santo (figures 1-8) teaches of a shelf (1) used in a refrigerator, the shelf comprising: at least one support panel (8) formed of at least one sheet of glass, the panel having a plurality of corners and a face (either side of 8 as depicted in fig. 1) configured to support items; and a plurality of cornerpieces/coverpieces (1), at least one coverpiece covering one of the plurality of corners of the support panel, each positioned to cover one of the plurality of corners of the support panel, wherein at least one of the plurality of coverpieces is attached to the panel via at least one internal relief (5) provided on the at least one

Art Unit: 3637

of the plurality of coverpieces, thereby allowing the at least one coverpiece to be anchored in at least one groove (7) made on the support panel. The cornerpieces being made of a plastic material. At least one coverpiece covering a side of the panel in full (partially depicted in fig. 2). As to claim 40, at least one of the plurality of cornerpieces/coverpieces includes at least an assembling means (12 for example) that is capable of assembling with an item of furniture. As to claim 41, at least one of the plurality of cornerpieces/coverpieces includes at least one stiffening fin (21 for example). As to claim 42, at least one of the plurality of cornerpieces/coverpieces includes at least one rim (viewed as the edge protruding above the support panel when a coverpiece is attached - note figs. 1-2 e.g.,) configured to prevent liquids from running off the shelf . As to claim 43, at least one of the plurality of cornerpiece/coverpieces includes at least one backrest (can be viewed as the flat portion of the rear coverpiece - lower (1) as depicted in fig. 2 for example). As to claim 45, at least one of the plurality of cornerpieces/coverpieces includes an attaching means (bore or aperture e.g., that accepts element 12) capable of attaching at least one additional element.

5. Claims 32, 35-36, 39-40, 42 & 45/32 are rejected under 35 U.S.C. 102(b) as being anticipated by Marx [U.S. Patent No. 3,425,147]. Marx (figures 1-6) teaches of a "refrigerator shelf" (see fig. 4 - it is noted, that use of the phrase 'refrigerator shelf' does not denote a specified meaning other than a horizontal surface that can be used in a refrigerator to support items, unless the limitation is supported with structural details i.e., how the "shelf" is connected to or interacts with the medium with which it is located, the examiner will maintain the reasonable broad

Art Unit: 3637

interpretation that the structurally similar device of the prior art can be employed as claimed - [the prior's art structure could be placed on a shelf in a refrigerator and still serve as a glass shelf support surface]) that is capable of supporting items in a refrigerator, the shelf comprising at least one support panel (11) formed of at least one sheet of glass, the panel having a plurality of corners and a face (top side of 11 as depicted in fig. 2) configured to support items; and a plurality of cornerpieces/coverpieces (14, 15), at least one coverpiece covering one of the plurality of corners of the support panel, wherein at least one of the plurality of coverpieces is attached to the panel via at least one internal relief (16) provided on the at least one of the plurality of coverpieces, thereby allowing the at least one coverpiece to be anchored in at least one groove (13) made on the support panel. The cornerpieces being made of a metal material. At least one coverpiece covering a side of the panel in full (note the 15's). The coverpieces when attached to the panel cover the entire periphery of the panel. As to claim 40, at least one of the plurality of cornerpieces/coverpieces includes at least an assembling means (17 for example) that is capable of assembling with an item of furniture. As to claim 42, at least one of the plurality of cornerpieces/coverpieces includes at least one rim (viewed as the edge protruding above the support panel when a coverpiece is attached - note fig. 2 e.g.,) configured to prevent liquids from running off the shelf. As to claim 45, at least one of the plurality of cornerpieces/coverpieces includes an attaching means (17 for example) capable of attaching at least one additional element.

Art Unit: 3637

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29-43, 45/29-31 & 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford [U.S. Patent No 4,117,614] in view of Marx [U.S. Patent No. 3,425,147]. Bickford (figures 1-7) teaches of a “refrigerator shelf” (see fig. 2 - it is noted, that use of the phrase ‘refrigerator shelf’ does not denote a specified meaning other than a horizontal surface that can be used in a refrigerator to support items, unless the limitation is supported with structural details i.e., how the “shelf” is connected to or interacts with the medium with which it is located, the examiner will maintain the reasonable broad interpretation that the structurally similar device of the prior art can be employed as claimed - [the prior’s art structure could be placed on a shelf in a refrigerator and still serve as a glass shelf support surface]) that is capable of supporting items in a refrigerator, the shelf comprising: at least one support panel (13) inherently formed of at least one sheet of glass or plastic [the panel is defined as being transparent - also note the cross-hatching as depicted in figs. 3-4], the panel having a plurality of corners and a face (upper surface of 13 as depicted in fig. 2) configured to support items; and a plurality of cornerpieces/coverpieces (11, 12) each positioned to cover one of the plurality of corners of the support panel and a part of one side of the panel, wherein the plurality of

Art Unit: 3637

cornerpieces/coverpieces cover the entire periphery of the support panel when assembled and at least one of the plurality of coverpieces is adapted to slide in another one of the plurality of coverpieces so as to form a telescopic set of coverpieces. As to claim 33, the plurality of cornerpieces/coverpieces comprise plastic as evident in the cross-hatching [depicted in fig. 3 for example]. As to claim 40, at least one of the plurality of cornerpieces/coverpieces includes at least an assembling means (56 for example) that is capable of assembling with an item of furniture. As to claim 41, at least one of the plurality of cornerpieces/coverpieces includes at least one stiffening fin (32 for example). As to claim 42, at least one of the plurality of cornerpieces/coverpieces includes at least one rim (34 for example) configured to prevent liquids from running off the shelf (as depicted in figs. 2-3). As to claim 43, at least one of the plurality of cornerpieces/coverpieces includes at least one backrest (31 for example). As to claim 45, at least one of the plurality of cornerpieces/coverpieces includes an attaching means (31 for example) capable of attaching at least one additional element. Bickford teaches applicant's claimed invention as disclosed above, but does not show the panel as having a groove that engages with an internal relief on one of the coverpieces. However, Marx (figures 1-6) teaches of a structural member similar to applicant's invention. Marx employs a panel having grooves (13) that are engaged by internal reliefs (16) located on coverpieces (14, 15). As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a grooved panel and at least one coverpiece with an internal relief since this arrangement would enhance the connection between the panel and a coverpiece due to the positive engagement

Art Unit: 3637

created by the relief residing within the groove. As to claims 49-50, the prior art teach applicant's inventive claimed concept as structurally disclosed above, but do not specifically state a "method" of manufacturing a shelf, the prior art does show providing a panel, having a coverpiece cover one of the corners by attaching an internal relief located on the coverpiece to a groove located on the panel. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a shelf as prescribed by applicant's method because the normal assembly of the prior art's structure would inherently encompass the steps as set forth.

8. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santo. Santo teaches applicant's inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of manufacturing a shelf, Santo does show providing a panel, having a coverpiece cover one of the corners by attaching an internal relief located on the coverpiece to a groove located on the panel. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a shelf as prescribed by applicant's method because the normal assembly of Santo's structure would inherently encompass the steps as set forth.

9. Claims 33 & 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marx. Marx teaches applicant's inventive claimed concept as structurally disclosed above, but does not show the coverpieces as being made out of plastic or specifically state a "method" of manufacturing a shelf, Marx does show providing a panel, having a coverpiece cover one of the

Art Unit: 3637

corners by attaching an internal relief located on the coverpiece to a groove located on the panel, and at least two of the coverpieces being fitted {abutting} one with the other over at least a part of their length and height. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a shelf as prescribed by applicant's method because the normal assembly of Marx's structure would inherently encompass the steps as set forth. As to the plastic material, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize different types of materials depending upon the intended application, since it has been held to be within the general skill of a worker in the art to select such a material on the basis of its suitability for the intended use.

*Response to Arguments*

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note the comments contained within the rejections concerning applicant's remarks on the "shelf".

*Conclusion*

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers** are as follows:  
**(703) 305-3597 & (703) 305-7687.**

Art Unit: 3637

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659 or to the unit fax at (703) 308-3691. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen  
Primary Examiner  
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JOH  
August 22, 2003